

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MICHAEL JOHN BUI,

Case No. 20-CV-1293 (NEB/DTS)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

U.S. ATTORNEY, CHAD A.
BLUMENFIELD, and U.S. MARSHALS,

Defendants.

Plaintiff Michael John Bui filed a complaint against Defendants and an application to proceed *in forma pauperis*. (ECF No. 1 (“Compl.”).) In a June 17, 2020 Report and Recommendation, United States Magistrate Judge David T. Schultz recommended that this action be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B), that Bui’s application to proceed *in forma pauperis* be denied, and that Bui be restricted from filing civil actions in the District of Minnesota unless he is represented by counsel or receives advance permission from a judicial officer of this District. (ECF No. 3 (“R&R”) at 2.) Bui filed “objections” to the R&R that do not address the merits of the R&R and are largely unintelligible. (ECF No. 4.) The Court has reviewed the R&R *de novo*, and agrees with the recommendation to dismiss the action as frivolous and deny the application to proceed *in forma pauperis* because Bui’s largely incoherent complaint does not allege any basis for relief against Defendants. (*See generally* Compl.)

The recommendation to restrict Bui's ability to file is supported by his history of filing frivolous actions in this District, as well as his statement that he "will keep sue a lot of people like that until i win my lawsuit for example if this case is DISMISSED i will sue again . . ." (Compl. at 8; *see* R&R at 1 (citing Bui's three prior frivolous lawsuits against the U.S. Attorney's Office).) Pro se litigants have a right of access to the courts, but that right does not extend to frivolous or vexatious lawsuits. *See In re Tyler*, 839 F.2d 1290, 1292–93 (8th Cir. 1988) ("The Court may, in its discretion, place reasonable restrictions on any litigant who files non-meritorious actions for obviously malicious purposes and who generally abuses judicial process.") (citation omitted)). The Court agrees that Bui's pro se filings are frivolous, but is reluctant to restrict his ability to file in the future without warning him first. The Court therefore now provides Bui with a formal warning that if he continues to file frivolous or vexatious lawsuits in this District, then a court may determine it necessary to impose filing restrictions on him in the future. *E.g., Day v. Minnesota*, No. 19-CV-0496 (WMW/LIB), 2019 WL 4045658, at *3 (D. Minn. Mar. 22, 2019), *report and recommendation adopted*, 2019 WL 3371132 (D. Minn. July 26, 2019) (warning plaintiff that persisting in filing frivolous litigation in this District may result in filing restrictions).

Based upon all the files, records, and proceedings in the above-captioned matter,
 IT IS HEREBY ORDERED THAT:

1. The Objection to the R&R (ECF No. 4) is OVERRULED;

2. The Report and Recommendation (ECF No. 3) is ACCEPTED AS MODIFIED;
3. This action is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i); and
4. Plaintiff Michael John Bui's application to proceed in forma pauperis (ECF No. 2) is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 29, 2020

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge